

REMARKS/ARGUMENTS

In response to the Office Action mailed January 15, 2010, Applicants do not amend their application, but request reconsideration in view of the following remarks and attached Terminal Disclaimers. Claims 1-5 are currently pending. No new matter has been introduced.

Claims 1-5 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-8 of US Patent No. 7,419,678. Applicants have attached a duly executed Terminal Disclaimer. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-5 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of copending application no. 11/149,466. Applicants have attached a duly executed Terminal Disclaimer. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable Action on the merits is earnestly solicited.

Please charge Deposit Account No. 10-0750/CRD5071USNP/CJE in the name of Johnson & Johnson \$130.00 for the cost of filing this Terminal Disclaimer. If additional fees are required, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Account No. 10-0750/CRD5071USNP/CJE.

Respectfully submitted,

/Carl J. Evens/

Serial No. 10/805,736

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